

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 08-231

v.

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SECTION: “L”

CLYDE PEREZ

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FACTUAL BASIS

The above-named defendant **CLYDE PEREZ**, has agreed to plead guilty as charged to Count One of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **CLYDE PEREZ** (“**PEREZ**”):

Unless stated otherwise, all events set forth herein occurred in the Eastern District of Louisiana.

In 2007, the Federal Bureau of Investigation began an investigation into the drug trafficking activities of JERMAINE WINCHESTER (“WINCHESTER”) and others that

conspired with him to do so. WINCHESTER's role as a distributor in this conspiracy overwhelmingly involved the distribution of cocaine base ("crack") to both users of crack as well as further distributors. In total, the entire conspiracy was responsible for the trafficking of more than 4.5 kilograms of crack cocaine and more than 500 grams of cocaine hydrochloride.

The defendant, **CLYDE PEREZ**, was knowingly and wilfully involved in this conspiracy and helped WINCHESTER's distribution by arranging sales to others and by taking part in various distributions. For purposes of the United States Sentencing Guidelines, during the existence of the conspiracy, **PEREZ** was responsible for the trafficking of at least 500 grams of cocaine base ("crack").

PEREZ's involvement in the conspiracy includes the following facts set forth in this document.

Controlled Purchases of Drugs

On July 15, 2007, a confidential source ("CS1") told Gretna Police Det. Wayne Williams that a person known to him as "CLYDE" stated that he was able to get as much crack as CS1 needed. CLYDE asked CS1 if knew anyone who needed crack. CLYDE then gave CS1 his phone number, (504) 654-7961, which was subscribed to **CLYDE PEREZ**.

On July 16, 2007, CS1 identified **PEREZ** as the person he knew as "CLYDE" in a photograph. CS1 then called **PEREZ** and advised him that CS1's partner wanted to purchase one ounce of powder cocaine. At 2:42 p.m., **PEREZ** made contact with CS1 and Det. Williams, acting in an undercover capacity, near 4137 Ames Boulevard and advised that one of his suppliers was en route with the cocaine. About 10 minutes later, **PEREZ** once again made contact with CS1 and Det. Williams and exchanged a clear plastic bag with powder cocaine for \$1000.00.

The cocaine was positive for cocaine hydrochloride and weighed about 28 grams.

On July 23, 2007, Det. Williams and other narcotics officers utilized CS1 to purchase more cocaine from **PEREZ**. CS1 called **PEREZ** to order the cocaine. At 2:30 p.m., CS1 and Det. Williams, acting in an undercover capacity, met with **PEREZ** at 1200 Maplewood Drive in Harvey, Louisiana. **PEREZ** said that one of his suppliers was en route. **PEREZ** then told CS1 and Williams to relocate to Walmart at 4810 Lapalco Boulevard. CS1 and Det. Williams relocated to the Walmart. Williams noticed a Chevrolet Camaro, LA PCE272, registered to and driven by JERMAINE WINCHESTER (“WINCHESTER”), enter the parking lot. Its driver, later identified as WINCHESTER, made contact with **PEREZ**. After a few minutes, **PEREZ** returned to CS1's vehicle and retrieved the \$2,200.00 from Det. Williams. **PEREZ** then entered the Camaro, obtained an amount of cocaine from WINCHESTER, and exited a few minutes later. **PEREZ** returned to CS1's vehicle and handed Det. Williams a clear plastic bag containing approximately 55 grams of powder cocaine, which later tested positive for the presence of cocaine hydrochloride. On July 24, 2007, Det. Williams positively identified WINCHESTER as the driver of the Camaro.

On July 30, 2007, at 3:30 p.m., CS1 and Det. Williams again made contact with **PEREZ** in an effort to purchase four ounces of powder cocaine and two ounces of crack cocaine for \$6,600.00. On July 31, 2007, at 12:00 p.m., **PEREZ** called Det. Williams and said that everything was set up for that afternoon. At 2:15 p.m., Det. Williams made contact with **PEREZ** at 1200 Maplewood. **PEREZ** said he was having trouble getting the four ounces of powder but had the two ounces of crack. **PEREZ** and Det. Williams made arrangements to approach WINCHESTER at Ragusa's Supermarket on the Westbank Expressway to complete the

transaction. At 6:34 p.m., a white Toyota Avalon, driven by WINCHESTER, entered the Ragusa's parking lot. Det. Williams then handed **PEREZ** \$2,000.00. **PEREZ** then exited Det. Williams' vehicle and relocated to the passenger side of WINCHESTER's vehicle. A few minutes later, **PEREZ** exited WINCHESTER's vehicle and entered Det. Williams' vehicle. **PEREZ** then handed Det. Williams a clear bag of crack cocaine, which was positive for cocaine base, and weighed approximately 49 grams. **PEREZ** had obtained the crack from WINCHESTER.

Calls with co-conspirators from a Title III wiretap of Jermaine Winchester's Phone

Based on this and other actions, agents with the Federal Bureau of Investigation obtained a court-approved Title III wiretap on WINCHESTER's phone, bearing phone number (504) 210-6044. The wiretap commenced on October 18, 2007. Because of a threat of violence, it was terminated on November 5, 2007.

During the course of the wiretap, agents intercepted thousands of phone calls. The vast majority of these phone calls were pertinent drug calls and indicated that WINCHESTER was involved with others, of whom one was **PEREZ**, in numerous drug distributions involving crack cocaine. **PEREZ** had numerous phone conversations with WINCHESTER regarding the trafficking of crack cocaine. Some of the intercepted calls pertinent to **PEREZ's** involvement, are set forth below.

Calls involving Clyde Perez

On October 26, 2007, at 5:35 p.m., WINCHESTER received a call from **PEREZ**, who told WINCHESTER that he was by "Bob's house." WINCHESTER told **PEREZ** to give him a minute and he would come "holler" at **PEREZ**. **PEREZ** called again about 7:10 p.m.

WINCHESTER said that he would be over there in a minute. At 7:31 p.m., **PEREZ** spoke to WINCHESTER again. **PEREZ** told WINCHESTER to pull in the driveway and call him when WINCHESTER arrived. WINCHESTER called **PEREZ** a few minutes later at 7:34 p.m. Around that time, WINCHESTER sold an amount of crack to **PEREZ**, who was actually handling the purchase for “BOBBY.” The purchase was supposed to be for approximately one-quarter ounce of crack. After WINCHESTER departed, **PEREZ** called him at 7:36 p.m. **PEREZ** told WINCHESTER that the amount of crack was less than it was supposed to be, saying, “There's only 4 - 3, bro. 4.3. I'm telling you. Bobby sitting right here too bro. He broke out the scale and I put it on there. 4.3.” WINCHESTER said that he would come back. At some point, WINCHESTER came back and delivered more crack to **PEREZ** and “BOBBY.” Later, at 7:58 p.m., **PEREZ** called WINCHESTER and said, “It’s still a little shy. 1.2 grams.” WINCHESTER replied, “I’m gonna make up for it. I’m about to go home and get something else, you heard me?” **PEREZ** responded, “Alright. By that time, I oughta take care of this and re-up. Hook me up with the next one.” **PEREZ** also said, “Next round, I might get the same amount but in the soft.. . . That way, I can cook it myself.”

Later on October 26, 2007, at about 10:05 p.m., **PEREZ** called WINCHESTER and asked, “What you give me half a soft for?” **PEREZ** was actually asking what WINCHESTER would charge him for one-half ounce of powdered cocaine. WINCHESTER replied, “Four dollars,” which meant \$400.00. **PEREZ** then said, “Sounds good. Let me get back to my people. They just trying to get in touch with me all day.”

The next day, on October 27, 2007, at 2:36 p.m., **PEREZ** called WINCHESTER following up on the crack cocaine transaction from the previous day and asked,

“You got that for me? . . . Remember, I was one point, uh, I believe it was four short?”

WINCHESTER replied, “Alright. Yeah, I got that for you. . . . I’m gonna meet you back there.”

About 15 minutes later, **PEREZ** made two calls to WINCHESTER, but there was no answer. At 2:52 p.m., WINCHESTER answered and said, “I’m coming. I’m going to call you in 10 minutes.” **PEREZ** called back a few seconds later and said, “Just meet me by the house. By Bobby.”

Later that same day, at 10:17 p.m., **PEREZ** called WINCHESTER and said, “Waiting on you, man.” WINCHESTER asked, “What you got?” **PEREZ** replied, “Fifty cents. . . for that half I just told you about. I gotta call him back.” **PEREZ** meant that he had \$500 for one-half ounce of powdered cocaine that he was ordering on behalf of someone else. WINCHESTER asked, “You talking about that cotton weight? . . . I don’t got that right now,” meaning that WINCHESTER did not have powder cocaine at the moment. **PEREZ** then asked, “Baked it, huh?” meaning that WINCHESTER had already converted, or cooked, the cocaine into crack cocaine. WINCHESTER said, “Yeah, man. Give me a minute. I get back there.” Later, at 10:25 p.m., WINCHESTER called **PEREZ** and asked, “What’s up?” **PEREZ** said, “Fifty cent right now.” WINCHESTER said, “I’m outside.” WINCHESTER then delivered one-half ounce of crack to **PEREZ**.

On October 28, 2007, at 1:53 a.m., **PEREZ** called WINCHESTER and said, “I need a dollar to holler,” meaning he was looking to purchase an “eight-ball,” or one-eighth ounce of crack cocaine, for \$100.00. WINCHESTER said, “Alright.”

On October 29, 2007, at 9:49 p.m., **PEREZ** called WINCHESTER and asked, “Are you working?” WINCHESTER said, “I ain’t got none of those things, though.” **PEREZ** asked,

“You got a dollar?” asking if WINCHESTER had an amount of crack ready for sale.

WINCHESTER said, “No. I just got all singles. . . . I’ll give you eight of them,” meaning that WINCHESTER had smaller amounts that **PEREZ** was wanting. WINCHESTER offered eight of these to **PEREZ**. **PEREZ** said, “Give me 10 of them.” WINCHESTER said, “Oh, no, man. I ain’t giving you 10 of these.” **PEREZ** later said, “Just hang tight. I’ll probably holler at you in a little bit.” Two minutes later, **PEREZ** called WINCHESTER and asked where he was at. WINCHESTER said that he was already just about home.

On November 2, 2007, at 2:16 p.m., **PEREZ** called WINCHESTER and said, “I wanted to hit you before you left your house. Remember what I was talking to you about last night?” referring to an amount of crack cocaine that **PEREZ** wanted to purchase. WINCHESTER replied, “I got that on me.” **PEREZ** asked, “Is it soft?” and **WINCHESTER** said, “No.” **PEREZ** then said, “Yeah, that’s what I was wanting.” **PEREZ** said that he was going to the bank to get his disability check and would “holler” at WINCHESTER in about 20 minutes. At 2:27 p.m., **PEREZ** called WINCHESTER and told him, “I’m ready, bro.” WINCHESTER asked where **PEREZ** would be, and **PEREZ** said, “By Bobby’s.” WINCHESTER responded, “I’ll be over there.” At 2:41 p.m., WINCHESTER called **PEREZ** and told him that he was outside.

Later that same day, about 5:41 p.m., **PEREZ** called WINCHESTER and said, “Bring me another one of them,” referring to another amount of crack cocaine. WINCHESTER replied, “I’ll be over there.” About 10 minutes later, WINCHESTER called **PEREZ** and said that he was outside.

On November 3, 2007, at 4:07 p.m., **PEREZ** called WINCHESTER, but WINCHESTER

said, “Ain’t got nothing now. It’s gonna be later on.” **PEREZ** called back one minute later and said, “I want the same thing as yesterday.” WINCHESTER replied, “Clyde, I just told you I don’t have nothing Clyde. As soon as I do, I’m gonna call your phone, you heard me? Unless you can call somebody else.” **PEREZ** said, “You my nigga, bro, you know?” WINCHESTER said, “Alright, I’m trying to make a move now.” **PEREZ** said, “Alright. Holler at me.”

On November 4, 2007, at 12:59 p.m., **PEREZ** called WINCHESTER and told him, “I ain’t by Bobby’s,” indicating that WINCHESTER would have to deliver any narcotics to **PEREZ** at a different location. WINCHESTER said, “Just give me a minute. I’m about to hit you up. . . . I’m about to ante up on this thing too that you want.”

Other trafficking during the conspiracy

PEREZ purchased one-quarter to one ounce quantities of mostly crack and some powder cocaine on a daily basis from WINCHESTER. He also purchased crack cocaine from QUANTIES DAVIS. Over the course of the conspiracy, DAVIS sold approximately six to eight ounces of crack to **PEREZ**.

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